

VERBATIM PROCEEDINGS
DEPARTMENT OF PUBLIC HEALTH

CONNECTICUT HEALTH INFORMATION
TECHNOLOGY AND EXCHANGE
MARK RAYMOND, CHAIRPERSON

SEPTEMBER 3, 2013

101 EAST RIVER DRIVE
EAST HARTFORD, CONNECTICUT

POST REPORTING SERVICE
HAMDEN, CT (800) 262-4102

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 . . .Verbatim proceedings of a meeting in
2 the matter of Connecticut Health Information Technology
3 and Exchange, held at 101 East River Drive, East Hartford,
4 Connecticut on September 3, 2013 at 4:40 P.M.

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9 ACTING CHAIRPERSON MARK RAYMOND: I'd like
10 to call together the meeting of the Health Information
11 Technology Exchange Board of Directors on Tuesday,
12 September 3rd. Great to see you all again. The first
13 item on the agenda is a review and approval of the minutes
14 from the 8/6/13 meeting. So do I have any comments or
15 questions about the minutes from the meeting? Hearing
16 none, do I have a motion to approve the minutes?

17 MS. ELIZABETH KEYES: So moved.

18 ACTING CHAIRPERSON RAYMOND: Do I have a
19 second?

20 MR. RODERICK BREMBY: Second, Bremby.

21 ACTING CHAIRPERSON RAYMOND: Thank you
22 Commissioner. All in favor of approving the minutes from
23 the last meeting say Aye.

24 ALL VOICES: Aye.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 ACTING CHAIRPERSON RAYMOND: Any opposed?
2 Okay, thank you.

3 MS. BETTYE JO PAKULIS: I'm going to
4 abstain, I wasn't at the meeting.

5 ACTING CHAIRPERSON RAYMOND: Okay, Bettye
6 Jo Pakulis has abstained since she was not at the meeting.
7 Okay the next item on the agenda is the Board business and
8 we'll provide a Treasurer's report, so I'd like to ask
9 Christine Kraus to provide the Treasurer's report.

10 MS. CHRISTINE KRAUS: Okay, I just sent out
11 the financials this afternoon. I was on vacation and was
12 also waiting for all the financials from the end of the
13 month given the holiday. So we have in the bank, this is
14 as of August 31st, \$309,470.22. Our current liabilities
15 are \$2,600,056.05. Our net income is a negative
16 \$91,586.86.

17 Our total expenses -- oh, that was our
18 total expenses to date. So we also have August expenses
19 of \$55,315.28. That includes a payment for D&O insurance
20 of a little over \$7,000. I will send out the cash flow
21 for the month to you tomorrow. Any questions?

22 MR. BREMBY: No.

23 ACTING CHAIRPERSON RAYMOND: None on the
24 phone, and none in the room. Okay, so in order to --

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 thank you Chris. In order to approve the Treasurer's
2 report -- hi this is Mark Raymond, who just joined?

3 DR. RON BUCKMAN: Ron Buckman.

4 ACTING CHAIRPERSON RAYMOND: Ron, thank
5 you. We are at Item No. 3A on the agenda, which is the
6 Treasurer's report. And we do ask that if you would like
7 to make a comment or have a question that you just
8 announce your name first because we have many people who
9 are on the phone and it will help with the minutes.

10 So I called for a motion to approve the
11 Treasurer's report.

12 MR. DAN CARMODY: Dan Carmody, so moved.

13 ACTING CHAIRPERSON RAYMOND: Thank you Dan.
14 Do I hear a second?

15 MS. KEYES: I'll second.

16 ACTING CHAIRPERSON RAYMOND: Seconded by
17 Ms. Keyes, all in favor?

18 ALL VOICES: Aye.

19 ACTING CHAIRPERSON RAYMOND: Any opposed?
20 So approval of the Treasurer's report has been passed. At
21 this point on the agenda we have the Executive Session
22 pursuant to Connecticut General Statutes, to discuss the
23 strategy and negotiations with respect to the Axway claim.

24 In terms of inviting folks to the -- who

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 are not part of the Board to the Executive Session, I'd
2 like to invite Kevin McEleney, Chris Kraus, Dr. Tikoo,
3 Joan Soulsby, Barbara Parks-Wolf, John DeStefano, Bruce
4 Chudwick and Karen Buffkin.

5 MR. BRUCE CHUDWICK: And people on the
6 phone.

7 ACTING CHAIRPERSON RAYMOND: Okay, do we
8 have a motion to move into Executive Session?

9 MS. PAKULIS: I'll make a motion.

10 ACTING CHAIRPERSON RAYMOND: Bettye Jo,
11 thank you, a second?

12 MS. KEYES: Second.

13 ACTING CHAIRPERSON RAYMOND: Liz Keyes
14 seconded. We are in Executive Session -- to move into
15 Executive Session, all in favor?

16 ALL VOICES: Aye.

17 ACTING CHAIRPERSON RAYMOND: Any opposed?
18 So moved, okay we are in Executive Session.

19 (off the record -- Executive Session)

20 ACTING CHAIRPERSON RAYMOND: Okay, we are
21 back -- it is 4:59 and we are back from the Executive
22 Session. The next item on the agenda is HITE/CT Agency
23 business and we have a report from the CTO, John.

24 MR. JOHN DeSTEFANO: Sure. I received a

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 letter here from the Department of Public Health
2 concerning our first year grant. Since we didn't expend
3 all the funds that were budgeted for in the first year
4 they're requesting a refund of \$179,435.98, and it should
5 be returned to them by September 9th. So I seek the
6 Board's direction as far as what to do and if I should
7 return that and when.

8 ACTING CHAIRPERSON RAYMOND: You know, I
9 believe that under the -- our contract -- sorry, this is
10 Mark. Under the terms of our contract we have to do so.

11 DR. BUCKMAN: This is Ron Buckman.

12 ACTING CHAIRPERSON RAYMOND: Yeah Ron.

13 DR. BUCKMAN: So yeah, I'll make the
14 motion. I move that the check be cut to refund the money
15 as requested and that an inquiry be made as to whether or
16 not we could then ask for that money back to be applied to
17 a subsequent year. So I guess that should be two motions.

18 MR. KEVIN McELENNEY: You know, perhaps
19 there should be another Executive Session at some point
20 too. I think this might raise another legal issue going
21 back to -- you know, some of the issues we were talking
22 about before with our currently pending contract dispute.
23 You might want to discuss the legal implications of that
24 again before voting.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 DR. BUCKMAN: Well, but if we're obligated
2 under contract to return it, I make a motion that we
3 return it as requested. So I'll just leave it at that.

4 MS. KAREN BUFFKIN: Has the motion been
5 seconded yet Mr. Chairman?

6 MR. CHUDWICK: It has not.

7 ACTING CHAIRPERSON RAYMOND: It has not.

8 MR. McELENNEY: It might be a good idea to
9 just discuss it over, it doesn't preclude you from making
10 the motion after the discussion just talking about it for
11 a minute.

12 MR. CHUDWICK: Well there is a motion, is
13 there no second? Okay, no second.

14 ACTING CHAIRPERSON RAYMOND: Well, it was a
15 question about procedure I guess. Do we -- can we discuss
16 the motion that's out there before we --

17 MR. CHUDWICK: Not until it's seconded.

18 DR. BUCKMAN: Can't discuss it unless it's
19 seconded.

20 MR. CHUDWICK: Right, otherwise it dies for
21 want of a second and then we can talk about Kevin's
22 suggestion.

23 ACTING CHAIRPERSON RAYMOND: Okay. Do I
24 hear a second for Ron's motion? Okay, not hearing a

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 second at this time we'll dismiss the motion.

2 MR. CHUDWICK: What I would suggest you do
3 is that you make a motion and second to add to the agenda
4 another Executive Session with the same language that we
5 just had. And then once that's voted upon and added, then
6 you can make a motion and second to go back into Executive
7 Session for purposes of discussing the Axway claim, if
8 that's what the Board wishes to do.

9 ACTING CHAIRPERSON RAYMOND: Okay, I --

10 MR. CHUDWICK: It's a regular meeting so
11 you can add things to the agenda.

12 ACTING CHAIRPERSON RAYMOND: Okay, so I
13 would like to add in between Nos. 5 and 6 on our agenda
14 another Executive Session pursuant to Connecticut General
15 Statutes, to discuss the implications of where we are on
16 our strategy with the Axway contract. Do I hear a motion
17 for that?

18 MR. BREMBY: This is Rod, so moved.

19 ACTING CHAIRPERSON RAYMOND: Do I hear a
20 second?

21 MS. PAKULIS: Second.

22 ACTING CHAIRPERSON RAYMOND: Bettye Jo
23 seconded, all in favor?

24 ALL VOICES: Aye.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 ACTING CHAIRPERSON RAYMOND: Any opposed?

2 Okay, so moved. So we now have a new agenda item. I
3 would like to hold off moving into Executive Session for
4 just a moment because there is an item on the regular
5 agenda that I'd like to make sure that we discuss. And it
6 requires a vote, and I know that we're going to get close
7 to losing one of our voting members.

8 So Item No. 5B on the agenda is a
9 discussion of the amendment to our Fixed Asset Controls
10 Policy. Chris, would you like to present to the Board on
11 what that amendment it?

12 MS. KRAUS: Sure. Hi, this is Chris. When
13 we were working on all of our files for our audit it came
14 to our attention that our F-208 Fixed Asset Controls
15 Policy could potentially be changed. I talked to Dan
16 Carmody, who's the head of the Finance Committee. Right
17 now our Policy, which I sent to everybody, reads that
18 items purchased with a unit cost of \$5,000 or less are to
19 be expensed and added to the fixed asset register at zero
20 basis under the category of sensitive items. However, it
21 reads sensitive items will have a unit cost between \$50
22 and \$1,000, and an estimated useful life of two years or
23 more.

24 It was brought to our attention that based

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 on these current Policy guidelines there would be no
2 assets recorded for items between \$1,001 and \$4,999, so it
3 was recommended to us to potentially change the policy so
4 that sensitive items would be from -- not from \$50 to
5 \$1,000 but rather from \$50 to \$4,999.99. So I can't make
6 any motions.

7 ACTING CHAIRPERSON RAYMOND: Does everyone
8 understand what the gap is in the current Policy? Yes?

9 MS. KRAUS: And Dan, if you'd like to add
10 anything?

11 MR. CARMODY: No, I mean I think you
12 outlined it very well. I think we need to modify the
13 Policy for that omission and so I'd motion that the Fixed
14 Asset Policy be modified as presented according to what
15 Chris made for a recommendation.

16 ACTING CHAIRPERSON RAYMOND: Okay, do I
17 hear a second?

18 MR. KEVIN CARR: Kevin Carr seconds.

19 ACTING CHAIRPERSON RAYMOND: Thank you
20 Kevin. All in favor of modifying the policy to make it
21 consistent signify Aye.

22 ALL VOICES: Aye.

23 ACTING CHAIRPERSON RAYMOND: Any opposed?
24 Okay, so moved. The last item on the HITE/CT Agency

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 business is a D&O insurance update. Chris, we'll have you
2 come back and provide that as well.

3 MS. KRAUS: I just want to provide an
4 update that we do have our D&O insurance through Lloyd's
5 with an aggregate limit of liability for \$2 million. And
6 we sent the payment in of a little over \$7,000, so we're
7 all set for the year. Any questions?

8 MS. ANGELA MATTIE: Chris, this is Angela
9 Mattie. Have we had continuous coverage?

10 MS. KRAUS: Yes.

11 MS. MATTIE: And when did it first take
12 place?

13 MS. KRAUS: I think it was -- I'd have to
14 go back and verify that but I'm pretty sure it was
15 something like July 14, 2011, but I'm not positive. I
16 would be happy to forward it to everyone by e-mail, but
17 there's been no gap.

18 MS. MATTIE: Great.

19 MS. KRAUS: We've had continuous coverage.

20 MS. MATTIE: Thank you.

21 MS. KRAUS: You're welcome.

22 ACTING CHAIRPERSON RAYMOND: Are there any
23 other questions or --

24 MS. MATTIE: Can I ask one other question?

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 When did we actually sign the Axway contract?

2 MS. KRAUS: That was in September of 2011,
3 I think it was the 30th. I could pull that up.

4 MS. MATTIE: That's close enough, thank
5 you.

6 ACTING CHAIRPERSON RAYMOND: Okay, are
7 there any other questions for Chris on the D&O insurance?
8 Okay, thank you Chris.

9 MR. DeSTEFANO: So Mark, I do have one
10 other thing too.

11 ACTING CHAIRPERSON RAYMOND: Okay.

12 MR. DeSTEFANO: Just again seeking some
13 guidance here, there is a program on 9/17 at the Civic
14 Center that the Connecticut Partners for Health is putting
15 on. It has -- what we've been told today is about 200
16 people have signed up. They expect to have about 500, but
17 organizations like Healthy CT, Yale, CHA, Qualadine, VNA,
18 Genesis, Masonicare, Connecticut Pharmaceutical
19 Association are all going to have tables there.

20 The cost of a table is \$1,000 and I would
21 like to see HITE/CT represented there and potentially if
22 the Department of Public Health and DSS would like to co-
23 locate at a table, I think it would be a good thing for us
24 to show that we're still in business and that we are a

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 player. It seems that most of the health care players in
2 Connecticut are going to be at this conference and I think
3 we should be there too.

4 ACTING CHAIRPERSON RAYMOND: Are --
5 Commissioner Bremby or Vanessa or Liz, do you know if your
6 Agencies have plans to attend?

7 MS. KEYES: I'm not aware of any.

8 MR. DeSTEFANO: Well Commissioner Mullen is
9 supposed to give the kickoff, the keynote.

10 ACTING CHAIRPERSON RAYMOND: Okay.

11 MS. KEYES: I don't know if we're going to
12 be --

13 MR. BREMBY: The date and time?

14 MR. DeSTEFANO: It's 9/17 --

15 MR. BREMBY: 9/17 --

16 MR. DeSTEFANO: -- it starts around noon I
17 believe and finishes up around 8:00.

18 COURT REPORTER: Who was that?

19 ACTING CHAIRPERSON RAYMOND: Commissioner
20 Bremby.

21 MR. BREMBY: I don't see that on my
22 calendar, so --

23 MR. DeSTEFANO: Okay, so --

24 MR. BREMBY: -- so that's not to say that

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 we won't be represented. I'd like to follow-up with my
2 team, and I can support sharing costs so that we're all
3 represented.

4 MR. DeSTEFANO: The actual signup for
5 tables is past, so e-Health Connecticut and the Regional
6 Extension Center have been handling that. They've said to
7 us if we want to have a table, a booth, that we need to
8 get back to them pretty much by tomorrow so they can
9 finalize the agenda and the rest of the documentation that
10 they're going to hand out at the seminar.

11 ACTING CHAIRPERSON RAYMOND: So is your
12 request to spend the money --

13 MR. DeSTEFANO: My request is to spend the
14 money.

15 ACTING CHAIRPERSON RAYMOND: -- the \$1,000
16 to go?

17 MR. DeSTEFANO: Yeah.

18 ACTING CHAIRPERSON RAYMOND: And besides
19 being there what exactly would we say?

20 MR. DeSTEFANO: We would represent HITE/CT
21 there and what we're supposed to do in the state, what we
22 will do in the state at some point, and be part of the
23 larger health care community in the state.

24 ACTING CHAIRPERSON RAYMOND: Are there any

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 other thoughts or do I hear a motion from the Board on --
2 is this within the -- do we need to move on it or --

3 MR. DeSTEFANO: We don't need --

4 ACTING CHAIRPERSON RAYMOND: -- within
5 approved budget or spend already?

6 MR. DeSTEFANO: -- yeah, it's within
7 approved spend.

8 ACTING CHAIRPERSON RAYMOND: Okay.

9 MR. DeSTEFANO: But I don't want to do it
10 unless the Board thinks it's -- you know, so certainly I'd
11 seek the advice of the Board. I don't think this is
12 something we should do unless we are all or at least the
13 majority are in agreement that we should.

14 MS. PAKULIS: Well, my concern really is
15 what is the future of HITE/CT, and I can't quite quantify
16 that at this point. So as Mark said, what are you going
17 to say when people ask questions? I mean, we don't have a
18 lot of money, \$1,000 is a lot of money when we have so
19 little money.

20 MR. DeSTEFANO: It's a good point, yeah.

21 MS. PAKULIS: It's before the Board, but I
22 just -- Bettye Jo anyway. So tell me what your day would
23 be like.

24 ACTING CHAIRPERSON RAYMOND: Just to

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 summarize for the folks on the phone --

2 MS. PARKS-WOLF: Thank you Mark.

3 ACTING CHAIRPERSON RAYMOND: -- the comment
4 from Bettye Jo is, you know, \$1,000 is a lot of money if
5 we're not -- you know, we don't have something definitive
6 to say on the future of HITE/CT, you know, what would we
7 be saying there, what we'd be reflecting there.

8 MS. PAKULIS: That's pretty much it.

9 MR. DeSTEFANO: Well certainly we have the
10 voucher program, so things that we are supposed to do even
11 within the rest of the grant -- the voucher program,
12 provider directory, you know, the MPI, working with other
13 Agencies -- I mean, you know, what are we supposed to say
14 -- I think we'd get a lot of questions as to what's
15 happening. I'm not sure, maybe we don't want to -- or
16 maybe we don't necessarily have answers for all of those
17 questions.

18 But I do think that this particular meeting
19 with the participation from the rest of Connecticut, that
20 if HITE/CT is an entity going forward that this is
21 something that we should participate in. But certainly, I
22 respect the Board's opinion that if that's something that
23 we don't want to do that's fine.

24 ACTING CHAIRPERSON RAYMOND: For anyone who

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 is familiar with this forum, would it be worse that we
2 were not there or worse that we were there and be unable
3 to answer questions about some of the things that we're
4 likely to see?

5 MR. DeSTEFANO: Yeah, I think this is the
6 first time for actually -- this is a first meeting of this
7 particular organization. So as far as the forum --

8 MS. PARKS-WOLF: Well, what's the focus?
9 Who's the audience for this?

10 DR. MINAKSHI TIKOO: Patient engagement.

11 MR. DeSTEFANO: Yeah.

12 ACTING CHAIRPERSON RAYMOND: I'm sorry,
13 what was the --

14 DR. TIKOO: Patient engagement is what
15 they're focusing on.

16 ACTING CHAIRPERSON RAYMOND: Okay, so for
17 the folks on the phone the question is what's the focus of
18 the meeting and the answer was patient engagement. You
19 know, I'm -- given with so many things that we have up in
20 the air and not necessarily having patient engagement be a
21 focus of HITE/CT, I would say that it's not -- there's not
22 enough substantive impact for us to spend \$1,000 to be
23 there. So that would be my thought. Are there any other
24 alternate positions on this?

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 MR. CARMODY: This is Dan Carmody. I would
2 probably tend to agree. I mean, I think that we're sort
3 of -- you know, even when you look at what our billables
4 are outside of the fact of types of services that -- we
5 may be enabling patient enablement but that's not sort of
6 where we're at, that's not the stage that we're in. We're
7 sort of like -- so I mean, especially with all the things
8 that we're doing right now, I think we'd probably be
9 better off not to be there.

10 MR. DEMIAN FONTENALLA: Hi, this is Demian.
11 I just have a couple quick thoughts on it. I agree we do
12 have a bit of a challenge in identifying the mission
13 looking forward and exactly what we talk to, but at the
14 same time one of the resolving things that seemed to have
15 been echoed throughout the time I've been sitting in these
16 meetings is lack of engagement with providers and
17 potential stakeholders.

18 This could be a way, a relatively cost
19 effective way, of getting out to those individuals that
20 could potentially be future customers, find out what they
21 want specifically and another way to get more information.

22 ACTING CHAIRPERSON RAYMOND: Could we meet
23 that need by attending versus having \$1,000 table there?
24 Are there other options?

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 MR. DeSTEFANO: Yeah, we could certainly
2 just attend, listen.

3 ACTING CHAIRPERSON RAYMOND: Or talk to the
4 people at the tables and -- versus paying \$1,000 to be
5 there. I mean, you raise a good point. You know, health
6 information exchange is important to us, we just -- in
7 terms of sponsoring it and having a talkable point of
8 view, I think it might be difficult -- be hard-pressed to
9 do so.

10 MS. VANESSA KAPRAL: This is Vanessa with a
11 question.

12 ACTING CHAIRPERSON RAYMOND: Yeah.

13 MS. KAPRAL: Do we know if maybe RIQI is
14 going to be there?

15 MR. DeSTEFANO: No -- well, they might be
16 coming but they're not on the list of sponsors or anyplace
17 on the agenda.

18 MS. KAPRAL: So would they be like floating
19 around or --

20 MR. DeSTEFANO: I could find out.

21 MS. KAPRAL: -- because I'm thinking if we
22 partnered with them maybe we could partner with their
23 table.

24 MR. DeSTEFANO: Yeah.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 MS. KAPRAL: And we're going to be doing --
2 you know, and the voucher program is through them. It's
3 just a thought.

4 ACTING CHAIRPERSON RAYMOND: We will look
5 to see if they're attending. We don't necessarily believe
6 they are -- or at least as having a table there.

7 MR. DeSTEFANO: Right.

8 ACTING CHAIRPERSON RAYMOND: We'll look
9 into that.

10 MR. DeSTEFANO: No, they're not on the list
11 of sponsors so far.

12 ACTING CHAIRPERSON RAYMOND: Of sponsors.

13 MR. DeSTEFANO: Right.

14 ACTING CHAIRPERSON RAYMOND: Okay, so if
15 you were looking for guidance --

16 MR. DeSTEFANO: I got it. I got the
17 message. And that's all I have.

18 ACTING CHAIRPERSON RAYMOND: Okay, that's
19 the end of the Agency business. Just because I did hear
20 two people leave we need to do a forum check to make sure
21 we have the appropriate folks. Can I do just a roll call
22 of who's on the phone? Commissioner Bremby, are you still
23 there?

24 MR. BREMBY: Yes I am Mark.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 ACTING CHAIRPERSON RAYMOND: Thank you.

2 Dan Carmody, are you still there? Okay, Kevin Carr?

3 MR. CARR: Yes.

4 ACTING CHAIRPERSON RAYMOND: Okay. Ron
5 Buckman?

6 DR. BUCKMAN: Yes.

7 ACTING CHAIRPERSON RAYMOND: Angela Mattie?
8 Angela, are you still with us? Okay last call, Dan
9 Carmody or Angela?

10 MS. BUFFKIN: I don't count for a quorum
11 but I'm still here Mark.

12 ACTING CHAIRPERSON RAYMOND: I was just --
13 no offense, I was checking with the folks for a quorum.

14 MS. BUFFKIN: I know you were. I figured
15 I'd save you the invitation part should we be able to go
16 into Executive Session.

17 ACTING CHAIRPERSON RAYMOND: Oh. Mark
18 Masselli, are you still there? Mark, are you there?
19 Alright, so I believe we've lost quorum.

20 MS. PAKULIS: You have to have quorum
21 through to hold a vote?

22 MR. CHUDWICK: To have a vote, yes.

23 MS. PAKULIS: My little Committee that I'm
24 on, the Town Committee, as long it was a quorum at the

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 start --

2 MR. CHUDWICK: You just need one more to
3 come back I think, right?

4 ACTING CHAIRPERSON RAYMOND: No, I don't --
5 I believe we're missing three.

6 MR. CHUDWICK: Now we just need one more, I
7 think we had nine at one point.

8 ACTING CHAIRPERSON RAYMOND: Okay. Alright
9 last call, Dan Carmody, no. Mark Masselli or Angela
10 Mattie?

11 MS. KRAUS: Can we text anybody?

12 ACTING CHAIRPERSON RAYMOND: Yeah, we can
13 try and text them and see if we can get them back.

14 MS. KRAUS: Let me see if I have their
15 numbers.

16 MS. PARKS-WOLF: Somebody came back on
17 maybe?

18 ACTING CHAIRPERSON RAYMOND: Actually I
19 think that's the sound of someone else leaving. Has
20 anyone just rejoined us, I'm sorry? How you tell is
21 there's two tones and it goes high to low if someone is
22 leaving and low to high if someone is coming onboard.

23 MS. KRAUS: Oh, that's funny.

24 MR. CHUDWICK: That's technology. I didn't

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 know that, see.

2 MS. KRAUS: So Mark is not on either right?

3 MR. CHUDWICK: Mark was the one that had a
4 conflict at 5:10, he's definitely gone.

5 ACTING CHAIRPERSON RAYMOND: Yeah.

6 MS. KRAUS: Okay, let me try Dan.

7 ACTING CHAIRPERSON RAYMOND: And Angela.

8 MS. KRAUS: I sent her an e-mail.

9 ACTING CHAIRPERSON RAYMOND: Okay.

10 MS. PAKULIS: What about Ron Buckman, is he

11 --

12 ACTING CHAIRPERSON RAYMOND: Ron is still
13 with us.

14 DR. BUCKMAN: Yeah, I'm still on.

15 ACTING CHAIRPERSON RAYMOND: Well, unless
16 we lost Ron or -- because someone --

17 MS. PAKULIS: I don't know how you knew
18 somebody --

19 ACTING CHAIRPERSON RAYMOND: Someone else
20 did --

21 DR. BUCKMAN: No, I'm still here.

22 ACTING CHAIRPERSON RAYMOND: Thank you Ron.
23 If we can't get quorum we may have to have a short special
24 meeting.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 MR. CARMODY: This is Dan Carmody, I'm
2 back. I had to drop off for one second but I'm back.

3 ACTING CHAIRPERSON RAYMOND: Okay.

4 MR. CARMODY: If you called my name,
5 because I just had to step away for a second.

6 ACTING CHAIRPERSON RAYMOND: Okay so I
7 think we are back to a quorum, I'm going to confirm.
8 Commissioner Bremby, are you still there?

9 MR. BREMBY: Yes I am Mark.

10 ACTING CHAIRPERSON RAYMOND: We just heard
11 Dan, we just heard Ron. Kevin, are you still with us?

12 MR. CARR: I'm here.

13 ACTING CHAIRPERSON RAYMOND: Alright. I
14 think we --

15 MR. CHUDWICK: We're seven, we're seven and
16 holding.

17 ACTING CHAIRPERSON RAYMOND: Alright.

18 MS. BUFFKIN: Quick, quick.

19 ACTING CHAIRPERSON RAYMOND: At this point
20 I would -- we are now to the next item on the agenda,
21 which is the added item about moving back into Executive
22 Session. Do I hear a motion to move into Executive
23 Session?

24 MS. PAKULIS: So moved.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 ACTING CHAIRPERSON RAYMOND: Bettye Jo,
2 thank you. Do I hear a second?

3 MR. BREMBY: Bremby, second.

4 ACTING CHAIRPERSON RAYMOND: Thank you
5 Commissioner. All in favor Aye?

6 ALL VOICES: Aye.

7 ACTING CHAIRPERSON RAYMOND: Any opposed?
8 I'd like to invite into the Executive Session the same
9 people who were invited into the first Executive Session.
10 Thank you, we're now in Executive Session.

11 (off the record -- Executive Session)

12 ACTING CHAIRPERSON RAYMOND: Okay, we are
13 back into our regular session at 5:46. We have -- to
14 return to the Agency business update, there was a
15 discussion of the --

16 MR. CARMODY: It was a request.

17 ACTING CHAIRPERSON RAYMOND: -- the request
18 from the Department of Public Health to return any unspent
19 year one grant funds. And given the impact of this on our
20 pending discussions with Axway, I believe that we should
21 entertain a motion to request an extension from DPH of the
22 return of any funds for 90 days pending this litigation.
23 Do I hear a motion to that effect?

24 MR. CARMODY: Do we actually need a motion

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 for it or can we just make the request and, you know, see
2 where that goes? I mean, I'm not quite sure --

3 MR. CHUDWICK: Well, you have received a
4 letter requesting funds in accordance with the contract.
5 You probably should respond to that by virtue of giving
6 John direction by virtue of a vote Dan.

7 ACTING CHAIRPERSON RAYMOND: Did you hear
8 that?

9 MR. CARMODY: He said it's because we got a
10 letter we should respond to it --

11 MR. CHUDWICK: Yes.

12 ACTING CHAIRPERSON RAYMOND: Yeah.

13 MR. CARMODY: -- in the normal course of
14 business?

15 MR. CHUDWICK: Well this is a little
16 different than normal course of business, the request for
17 a significant amount of monies from the entity. And I
18 think it would be helpful to give some direction to John
19 as to how to respond. So I think it would be a good
20 practice to have this be a formal vote of the Board.

21 MR. CARMODY: I'm not sure why it's any
22 different than it's just it's a normal management course
23 of action, but if it needs to be a formal motion that's
24 fine.

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 ACTING CHAIRPERSON RAYMOND: Okay, so I'll
2 ask again on the issue. Do I hear anyone who would be --
3 that would raise a motion to respond to DPH asking for an
4 extension of the return of funds pending our discussions
5 with Axway?

6 DR. BUCKMAN: I'll move that we direct the
7 Executive Director to explore other options with DPH.

8 ACTING CHAIRPERSON RAYMOND: And that was
9 Ron?

10 DR. BUCKMAN: This is Ron Buckman, yup.

11 ACTING CHAIRPERSON RAYMOND: Okay, thank
12 you Ron. So I hear a motion to direct our CTO to explore
13 alternative options to returning the money by September
14 9th with the Department of Public Health. Do I hear a
15 second.

16 MR. BREMBY: This is Rod doing the second.

17 ACTING CHAIRPERSON RAYMOND: Thank you
18 Commissioner. All in favor signify by Aye.

19 ALL VOICES: Aye.

20 ACTING CHAIRPERSON RAYMOND: Any opposed?

21 MS. KEYES: And I'll abstain.

22 ACTING CHAIRPERSON RAYMOND: We have one
23 abstain from Liz Keyes. Okay, so the motion passes.
24 Moving on to the agenda on other business, do we have any

RE: CT HEALTH INFORMATION TECHNOLOGY & EXCHANGE
SEPTEMBER 3, 2013

1 other business? Hearing none, I open the floor to public
2 comment. Do we have any public comment? Again, hearing
3 none we are now to the adjournment of the meeting. Can I
4 hear a motion to adjourn?

5 DR. BUCKMAN: Move to adjourn.

6 ACTING CHAIRPERSON RAYMOND: A second?

7 MS. KRAUS: Who was that?

8 ACTING CHAIRPERSON RAYMOND: Who moved it?

9 DR. BUCKMAN: Ron, thank you Ron. Do I
10 hear a second?

11 MR. BREMBY: Second.

12 ACTING CHAIRPERSON RAYMOND: Commissioner
13 Bremby, all in favor?

14 ALL VOICES: Aye.

15 ACTING CHAIRPERSON RAYMOND: This meeting
16 of the Board is adjourned. Thank you all very much.

17 (Whereupon, the meeting was adjourned at
18 5:51 p.m.)